

# LOCATE THE NOURMAHAL

## Wireless Communication Complicates Rather than Clears the Situation

### NO REASSURING INFORMATION

#### Revenue Cutter Proceeding to Scene of Wreck Reported Between Islands of Catalina and Saona—Tampa Wireless Station Trying to Get Into Direct Touch with San Juan—Persistent Search Continued.

Tampa, Fla., Nov. 22.—Brief wireless communication between Key West and San Juan, Porto Rico, this morning, served to complicate rather than to clear the situation surrounding the missing yacht Nourmahal. The fact that the yacht is not at San Juan, or was at least there on Nov. 16, as reported by the accounts Caracas yesterday and confirmed by the vessel's captain again today.

Uncertainty About the Yacht Being at San Juan.

In view of the fact that the brief conversation between Key West and San Juan must be taken to indicate that it was positively ascertained that the Nourmahal is not at San Juan, W. Hance, in charge of the wireless station at Tampa, sent the Associated Press a message tonight in which he said:

"Absolutely no truth in the report regarding wireless received here via Key West about yacht Nourmahal not being at San Juan."

Hance adds that he is still trying to get into direct touch with San Juan since the break this morning with the hope of getting from the captain of the vessel some positive assurance of the Nourmahal's presence. This, according to the best deductions, the latter was unable to give this morning merely because of lack of information.

The Search Continues.

New York, Nov. 22.—One of the most persistent searches ever made of the seas for a missing craft continued today with wireless telegraph possibilities, adding to the difficulties of friends who are trying to ascertain the whereabouts of Col. John Jacob Astor's and his magnificent private yacht Nourmahal. The fact that the West Indian region is only now being reached, and that the vessel is provided with modern means of communication—telegraph, cable and wireless—which are now crippled, and that ships are constantly

#### PORT SURVEYOR CLARKSON WILL NOT BE REAPPOINTED.

Announcement by Secretary MacVeagh—Office Pays \$5,000 a Year.

Washington, Nov. 22.—The positive announcement that Gen. James S. Clarkson, surveyor of the port of New York, will not be reappointed to that office was made by Secretary of the Treasury MacVeagh today. The decision against the retention of the former political warrior from Iowa in one of the choicest billets in the federal service in New York state will not surprise those familiar with political conditions in that state. Secretary MacVeagh already has General Clarkson's successor in mind, but is not as yet prepared to make any announcement.

When Secretary MacVeagh was inducted into the cabinet he went to the White house on the first day of his official career and there he met Timothy Woodruff, former lieutenant governor of New York, who was appointed General Clarkson's official scribe. It is said. The president was not inclined to acquiesce in this demand, but it was definitely understood at the time that Mr. Clarkson would not continue in office beyond January 1 next.

The trouble is said to have its origin in the delay in the federal New York state republican politicians for patronage. The office pays \$5,000 a year. General Clarkson was for years one of the most notable factors in the republican party in New York, and in 1902 by President Roosevelt his nomination was confirmed only after considerable delay in the senate.

#### KIDNAPPED GIRL FOUND

In Chicago—Was Taken from New Jersey in 1906.

Chicago, Nov. 22.—After a search of three years Amelia Johnson, 13 years old, daughter of Ephraim Johnson, a horse dealer, of Elizabeth, N. J., who was kidnapped at Norfolk, Va., in November, 1906, was found today by her father and brothers in a South Side rooming house.

Detectives accompanied the girl's relatives and they arrested Zolache Demitro, a gypsy, and his son, Ephraim Demitro. The elder Demitro is said to be king of a band of gypsies who make a business of kidnapping children for ransom.

#### FUNERAL OF W. H. LAFFAN.

Brief and Simple Services at Long Island Summer Home.

Lawrence L. I. Nov. 22.—Brief and simple funeral services were held today for William M. Laffan, publisher of the New York Sun, who died last Friday. The services were held in Mr. Laffan's country home and were attended by many of the late publisher's relatives and personal and business associates. The Rev. Thomas S. Slicer, pastor of All Souls' Unitarian church, New York city, officiated. The interment was at Hempstead, L. I.

#### Bridgeport Woman Died in Bellevue Hospital.

New York, Nov. 22.—A woman patient admitted to Bellevue hospital yesterday under the name of Mrs. Belle Nimbach, 23 Williston street, Bridgeport, Conn., died at the hospital tonight of morphia poisoning. The coroner will begin an investigation of her death tomorrow.

The woman was brought to the hospital by a man who said he was her brother and gave his name as Frank Nimbach, 145 Lee avenue, Bridgeport.

#### May Inspect Company's Books.

Toledo, Nov. 22.—Judge Manton, in common pleas court today granted Herman C. Stifel of St. Louis a mandatory injunction to restrain the officers of the Toledo Home Telephone company from interfering with his inspection of the company's books. Judge Manton said that he was satisfied that Mr. Stifel is a stockholder and therefore entitled to such examination. Attorneys for the company obtained a few days' suspension of the order to enable them to take the case to the circuit court.

## Cabled Paragraphs.

Havana, Nov. 22.—The Almendares baseball team today defeated the Detroit Americans by a score of 2 to 1.

Peking, Nov. 22.—Official reports received at the British office from throughout China show that progress is being made for the suppression of the traffic in opium in all of the sixteen provinces. The campaign has been most successful through the northern coast and recent successful in the mountainous districts of the west.

Queensland, Nov. 22.—Sir Thomas Lison, who arrived here aboard the steamer Lusitania today again announced to the waiting newspaper men his decision to challenge for the America's cup in 1911, provided the New York yachtmen would permit him to be called under the universal rules.

Queensland, Nov. 22.—The steamship Arabic, which sailed from New York on November 13, arrived today, having been delayed by severe weather, which she experienced in common with other transatlantic liners arriving recently. The Lusitania, from New York Nov. 17, arrived today, a few hours behind her schedule.

## NOT PERMITTED

### English Suffragette Failed to Get Audience at White House.

Washington, Nov. 22.—Mrs. Philip Snowden, who is a member of the British parliament and a suffragette, tried to see President Taft today. She failed. Protesting that she does not belong to the militant branch of the organization which has made the lives of British statesmen miserable for the past few months, Mrs. Snowden left the White house, announcing that she would endeavor to get in again to see the president tomorrow.

An anxious desire of meeting President Taft, she said, "because I met your former president, Mr. Roosevelt, and found him to be most charming. I am anxious, therefore, to have the privilege of knowing his successor."

Mrs. Snowden called at the White house today with Representative Foster of Vermont, and his daughter, Miss Mabel Foster, who is head of the college suffrage league of the United States. The party was met at the door by the vigilant guards of the president, who were prominently informed that Mrs. Snowden was an English suffragette.

"We're extremely sorry," apologized one of the officers to Mr. Foster and the women, but the president is very busy. I feel that he cannot be disturbed at the present time. Possibly you might call again." He looked at Mrs. Snowden appealingly, and at the same time a guard came forward later day he may be able to give you audience, which, I know, he must regret that he is unable to do so today.

Mrs. Snowden was something of a disappointment to the members of the women's suffrage movement here. In a lecture tonight at the Masonic temple she declared that American women could not entertain the movement seriously. She explained that it was because there are some two millions more men than women in the country, and the women here are treated so well that they fail to appreciate their political slavery. In England, she added, the women outnumber the men by 1,500,000, and the situation is reversed.

## POLICE AT A STANDSTILL.

### No Clue to Disappearance of Miss Mattie LeBlanc.

Waltham, Mass., Nov. 22.—Utterly unsuccessful in their efforts to obtain a clue to the disappearance of Miss Mattie LeBlanc, the young domestic accused by Clarence F. Glover in his dying statement Saturday night of having shot him, the police tonight confessed themselves practically at a standstill in their investigations. Relatives of the young woman have been interviewed, but all have denied having seen her since the shooting. The fact that the girl has vanished so completely, leaving no trace, what her whereabouts, has had the effect of strengthening the theory held by some of the police investigators that a third person was present when Glover received his fatal wound.

## EARTHQUAKE IN CALIFORNIA.

### Buildings at Salinas Racked for a Quarter of a Minute.

Salinas, Cal., Nov. 22.—The heaviest earthquake recorded here since the quake of April 18, 1906, was felt in this city early today. Buildings rocked and creaked for fifteen seconds and people rushed into the streets. So far as ascertained there was no damage.

## Notice to Strikers to Vacate Tenements.

Ludlow, Mass., Nov. 22.—The Ludlow Manufacturing associates today took the first steps to evict their striking employees who are occupying the company's houses.

## DISABLED LAKE STEAMER IN NO DANGER.

St. Joseph, Mich., Nov. 22.—The disabled steamer Puritan of the Graham and Morton line anchored late today off shore about fifteen miles south of here, with the steamer City of Benton Harbor alongside of her. The two steamers were proceeding together from Chicago to Holland when the Puritan's steering gear broke in mid-lake. A gale is blowing, but the two steamers are said to be in no danger.

## Schooner Missing Since Nov. 5.

Kington, Jamaica, Nov. 22.—The schooner Latona, which cleared from here for Gonaves November 5, has not yet arrived at her destination. On board the schooner were the leaders of the revolutionary party in Santo Domingo, and their followers here fear that they have been lost in the recent hurricane.

## Liquor Raid in Terryville.

Terryville, Conn., Nov. 22.—The first liquor raid since the town went no-license was made today when the police visited an Italian boarding house kept by Ralph Lambert and confiscated a quantity of beer and wines. Lambert was released on \$500 bonds.

## Low Water Shuts Down Colliery.

Shenandoah, Pa., Nov. 22.—The refusal of the borough officials to supply water to the Kelly Run colliery of the Thomas Coal company, has forced the colliery to shut down. Six hundred men have been thrown out of employment.

## Steamship Arrivals.

At Naples, Nov. 22, Cretic, from New York.  
At Antwerp, Nov. 21, Lapland, from New York.  
At Naples, Nov. 17, Laura, from New York.

## Quiet Pretexts

### Union, S. C. Orsamus R. Fyler

#### AFTER TWO DAYS OF INTENSE EXCITEMENT.

#### RACE RIOT THREATENED

#### Nine Men of Sheriff's posse Wounded by Negroes—Officers Now Have the Situation Under Control.

Union, S. C., Nov. 22.—Following two days of intense excitement with a race riot of serious proportions threatened as a result of the whole sale wounding of a deputy's posse by drunken negroes in the eastern section of the city Saturday night, quiet prevailed here tonight and the officials believe they have the situation well in hand.

#### Negroes Escaped.

The negroes who did the shooting made their escape, and this probably accounts for the fact that further disorders were not recorded yesterday and today. Late today one of the negroes captured in the shooting was arrested and lodged in jail. Three others for whom warrants were issued have not been apprehended.

#### Deputy and Nine Men Wounded.

After repeated efforts by Deputy Sheriff McCall to put a stop to the noisy revelry at a negro "frolic" Saturday night, he and a small party of citizens started for the house occupied by the negroes. The latter opened fire with shotguns, wounding nine of the officers' force and the deputy himself, who received wounds in each leg. The others wounded were Boyce, E. L. Timmons, Rudolph Lowe, Earl Bolling, Albert Wright and Grady Reynolds.

#### One Negro Seriously Shot.

One negro was found in the house seriously wounded. It is said that he got within range of his companions' shots when the attack was made upon the officers.

Sheriff Long went to the scene with a posse armed with repeating rifles. The negroes had fled, however, and the sheriff and his men directed their attention to a systematic search of the negro section for a guilty one.

Dye is the most seriously wounded. It is not thought his wounds will prove fatal. Eighty-three shots were removed from his body today.

#### PAID HIS RESPECTS

#### TO THE LEGAL PROFESSION

#### President Samuel Gompers Discusses Subject of Employers' Liability.

New York, Nov. 22.—Samuel Gompers, president of the American Federation of Labor, paid his respects to the legal profession today at the opening session of the National Civic Federation.

"The lawyers will prevent our getting the best and the wisest law in this matter," he said. "I doubt if there are any lawyers who have greater reverence for the constitution than the men of labor, but it seems exceedingly peculiar that the constitution should be usually violated by the legal profession."

"All we can hope for is a little progress. For the present let us be satisfied with what we have. The balance of the justice which is demanded by such disasters as this most recent one at Cherry, Ill., the justice that would take from the workers of the world the risk and burden of these losses."

John Mitchell, who spoke at the national session, said: "The natural conditions of mining in this country are more severe than in Europe, and nearly five men out of every thousand employed are killed annually, whereas in Europe the average is about one to a thousand. The fact is that in America it is cheaper to kill men than to protect them. First of all, our laws should protect our workers more adequately."

George M. Gillette of Minneapolis, discussing the present liability laws, said that the present law is "the most disturbing, expensive and vicious phase of our industrial system."

He added: "More than half of the millions annually spent for the relief of damaged workmen goes to the lawyers, and the workmen themselves get only 20 or 25 per cent of the total."

## MARTIAL LAW AT WARRENTON.

### Fire Threatened to Wipe Out a Virginia Town—Loss \$75,000.

Warrenton, Va., Nov. 22.—Following a fire which threatened to wipe out the town, Warrenton tonight is under martial law and four blocks of the town are burning.

Only by the use of dynamite was the town saved from complete destruction, for the drought had dried the vegetation so that this part of Virginia had completely exhausted the water supply and even the water needed for drinking had to be shipped here.

The militia are guarding the piles of furniture, valuables and office and store fixtures now stacked in the main street.

The damage is reported tonight, despite the extent of the conflagration, to be but \$65,000 or \$75,000, with insurance of about \$60,000.

## Yeggenmen Shot New Hampshire Grocer

Concord, N. H., Nov. 22.—Driving into the doorway of his home in Bow tonight, with the exclamation, "I'm here," Charles H. Fellows, a groceryman of this city, fell dead in the arms of his life as he went to his assistance. It is supposed that Fellows was the victim of yeggenmen, who intended to rob him. If that was the motive of the shooting, the attempt was unsuccessful, for, according to Mrs. Fellows, a large amount of money which her husband had brought was found untouched on his person.

## On Final Stage of Their Tour.

San Diego, Cal., Nov. 22.—The Japanese commercial commissioners, now on their final stage of their tour of the United States, were entertained today at the Theosophical Community at Point Loma, where Katherine Tingley had prepared an elaborate programme in their honor. They were tendered a banquet later at Coronado, former secretary of the Treasury Lyman J. Gage being the principal speaker.

## Duke of Roxburgh Breaks His Leg.

London, Nov. 22.—The Duke of Roxburgh broke his leg while hunting at Melton-Mowbray today. The Duchess of Roxburgh was Miss May Goelet of New York.

## Sudden Death

### Union, S. C. Orsamus R. Fyler

#### SUCCUMBS TO ATTACK OF HEART TROUBLE.

#### RAILROAD COMMISSIONER

#### Formerly Chairman of Connecticut State Central Republican Committee—Funeral Wednesday Afternoon.

Torrington, Nov. 22.—Following an illness of just two weeks and just a race riot of serious proportions threatened as a result of the whole sale wounding of a deputy's posse by drunken negroes in the eastern section of the city Saturday night, quiet prevailed here tonight and the officials believe they have the situation well in hand.

Orsamus R. Fyler, member of the state board of railroad commissioners, formerly chairman of the state central republican committee, and for years a conspicuous figure in the councils of that party, died suddenly this morning at 3:47 o'clock at his home here.

Mr. Fyler was taken ill while on the morning of November 7 and had been confined to his bed during the whole time. Last Friday and Saturday he showed marked signs of improvement. It is stated, and yesterday seemed so far recovered that he had expected to be up today.

About 2:17 this morning he complained of a pain about his heart, and while two physicians, who had been called, were working to make him comfortable, he died.

The death of Mr. Fyler came as a shock to the people of this town, among whom he spent his entire life. He was for years recognized as the most influential man of the county, and his death was felt as a great loss to all and loved by many.

#### Funeral Tomorrow Afternoon.

The funeral will be held from the residence at two o'clock Wednesday afternoon.

#### Chairman Kenely's Tribute.

New London, Nov. 22.—In speaking of the death of Railroad Commissioner Orsamus R. Fyler, Michael Kenely, chairman of the republican state central committee, said: "Mr. Fyler had a strong personality, which at once impressed itself upon those with whom he came in contact. He was an agreeable companion, with whom it was a pleasure to be associated."

"While for some years past he has not been in the control or direction of party affairs, he never lost interest therein, and his counsel was so often sought and his advice so frequently followed, that his absence will be noticeably felt. I sincerely regret that he has passed away."

#### Governor Woodruff's Eulogy.

New Haven, Nov. 22.—Former Governor Woodruff, commenting on Mr. Fyler's death, said: "Mr. Fyler was a man of great courage, ability and integrity. He had rare opportunities to study human nature and brought to his public charges a wisdom and a sagacity which were rare in his time."

(Continued on page nine.)

## COOK'S REPORT ABOUT TO GO.

### Will be Locked in Strongbox on Vessel Bound for Denmark.

New York, Nov. 22.—When the Scandinavian-American line steamship United States sails for Copenhagen on Thanksgiving day, it will have on board the report prepared by Dr. Frederick A. Cook for the university of Copenhagen, setting forth his claim of having reached the North pole. The document is said to contain 50,000 words.

Every precaution is to be taken against possible tampering with the report, for it is believed that the United States will be locked tight in the ship's strongbox until a committee from the Danish university goes on board and verifies the proper credentials. Walter Lonsdale, who accompanied Cook here from Copenhagen as his secretary, will be a passenger, and it is rumored that Cook has hired four strong men to watch the manuscript. The doctor expects that his report will be in the hands of the Danish scientists by December 7, and that a verdict will be rendered between December 28 and January 1.

## Drought Again Serious in Anthracite Coal Regions.

Reading, Pa., Nov. 22.—The drought is again becoming serious in the anthracite coal regions and to keep the collieries in operation the Philadelphia & Reading Coal & Iron Co. is hauling water to the mines. In the Shamokin region the water is being carried from a stream fifteen miles from the collieries. To keep the collieries of the Mahanoy and Shenandoah valleys working the company is preparing to apply water with water from the Susquehanna river, a haul of 47 miles.

## Indictment Against Wm. G. Crawford Dismissed.

Washington, Nov. 22.—Dismissal of the indictment against William Gordon Crawford, once deputy auditor for the postoffice department, who was prosecuted as a result of the sweeping investigation of postoffice frauds some years ago, was directed today by Attorney General Wickham, upon the recommendation of United States District Attorney Baker, and with the concurrence of Postmaster General Hitchcock.

## Condensed Telegrams

Mrs. B. W. Clarke Died in Rock Hill, S. C. from pleurisy.

In a Quarrel at Delano, Pa., Pasquale Attila shot and killed Antonio Fatina.

Miss Belle Jones, 17 Years Old, of Amsterdam, Ga., died from a rattlesnake bite.

James Elliott, Defenbaugh, editor and publisher of the American Lumberman, died in Chicago.

In Municipal Elections in several cities in Germany yesterday the social democrats swept the field.

Surgeon General Wyman submitted a report on the proposition to establish a department of public health.

The Standard Steel Car Company announced in Pittsburgh an increase of 10 per cent in the wages of its employees.

Mrs. Thomas A. Edison, wife of the inventor, is at the sanitarium at Batavia, Mich., suffering with nervous trouble.

The German Commercial Treaty association says some of the restrictions placed upon American meats are unnecessary.

J. W. Brooks of the Fresh Air Committee of the St. Vincent de Paul Society of Baltimore addressed the Christ "holy society."

Lieut. Col. George W. Goethals, chief engineer, submitted his annual report on the progress of the work on the Panama canal.

George Sullivan, 12 Years Old, was suffocated in a cave-in at Study Hill, Peterson, N. J., and other boys narrowly escaped with their lives.

David Culford, a Burglar, while sliding down the chimney of J. R. Davis' house at Washington, N. C., with his feet in a trap, stuck fast and had to be pulled out.

Mrs. Samuel Faylor Was Shot and killed on her farm in Ottawa county, Ont., by a young man who mistook her for a deer.

Mortimer F. Elliott, the general manager of the Standard Oil company, declared that the Missouri decision, even if sustained, would have no practical effect on the company.

The Betting at Lloyds is 3 to 1 in favor of the liberals in the coming parliamentary election in England, and the uncertainty of a coalition financial policy is patently obvious on the London exchange.

#### MARQUISE DE MERINVILLE'S WILL FILED FOR PROBATE.

#### Disposition of One of the Oldest Estates in Louisville.

Louisville, Ky., Nov. 22.—Whatever interest the Marquise de Merinville, De Merinville, had in the Caldwell estate was mostly under the will of the marquise, which was filed for probate today. Her sister, the Baroness Caldwell von Zedwitz.

Two bequests of \$10,000 each are made, one to John A. Caldwell, son of the Marquise, and another to Charles H. Carter of Baltimore, another distant cousin. Waldemar Conrad von Zedwitz, her nephew, gets \$100,000. Two other bequests are made, one to her sister, the Baroness Caldwell von Zedwitz.

Reference is made to the husband of the Marquise, on providing that he shall have nothing further out of her estate than is provided for in the marriage contract she had with him.

While for some years past he has not been in the control or direction of party affairs, he never lost interest therein, and his counsel was so often sought and his advice so frequently followed, that his absence will be noticeably felt. I sincerely regret that he has passed away."

Uncle of China's Infant Emperor Completes Trip Across United States.

New York, Nov. 22.—Baron Liang Kuei, an uncle of the infant emperor, P. Yi, of China, accompanied by two secretaries and by K. Owang, Chinese vice consul at San Francisco, has arrived in New York, completing his tour across the United States. The party called upon Mayor George B. McClellan today and visited the police court, the Tombs and the city hall.

Chang Hung Nien, one of the secretaries, enthusiastically declared that his visit to this country was for the purpose of buying \$20,000,000 worth of equipment and munitions of war. That rumor he said was started in San Francisco by foreigners for political reasons.

## TORNADO HITS CINCINNATI.

### Widespread Damage in the City and Its Suburbs.

Cincinnati, O., Nov. 22.—A wind and rain storm, approaching from the north, swept up the Ohio river today, doing widespread damage in Cincinnati and its suburbs. The wind reached a velocity of forty miles an hour, and during the height of the storm the towboat G. W. Bailey of Marietta, was sunk in the river. The crew had a narrow escape from drowning.

Mrs. Mary S. McCallum Files Suit for Absolute Divorce.

Washington, Nov. 22.—Mrs. Mary Sherman McCallum, adopted daughter of the late John Sherman, former secretary of state and senator from Ohio, today filed suit for absolute divorce in the supreme court of the District of Columbia from James I. McCallum. They were married December 1, 1894, in this city and have two children. Both of the children are residing with their mother in Washington. In addition to a decree of divorce, Mrs. McCallum asks for the custody of her children.

Mrs. McCallum inherited considerable money from her father, and she claims that her husband has been profiting from this money.

## Death of Hartford Policeman.

Hartford, Nov. 22.—Thomas Mulcahy, 35 years old, for many years a member of the local police department, died at St. Francis' hospital tonight. Mulcahy was stationed near Mark Twain's residence on Parkman avenue during the latter's residence in this city, and is mentioned in Mr. Clemens' autobiography.

## Volcano Sends Flames 1,500 Feet High.

Teneriffe, Nov. 22.—An earth shock occurred here today and the volcano eruption increased. Two of the five craters have been directed today by active craters have joined, and are belching forth flames to the height of 1,500 feet. The lava flow, however, is not so rapid as it was a few days ago, and there is no immediate danger to the village.

## Opening Made

### To Lowest Level

#### OF THE ST. PAUL MINE LAST NIGHT.

#### EXISTENCE OF AIR SHOWN

#### Removal of Bodies or Rescue of Living Men to Begin at Once—One Unconscious Miner Brought Up.

Cherry, Ill., Nov. 22.—An opening to the third level, or lowest level, of the St. Paul mine, was forced late tonight, and the removal of bodies or the rescue of living men imprisoned in the level may begin before daylight, it is said.

#### Air in the Lower Vein.

Tests showed the existence of air in the lower vein. Thousands of gallons of water have been poured into the shaft to extinguish fire in the higher levels. With air and water available, hope for the rescue of any who may be in the bottom of the mine is strong, and extraordinary efforts to reach the gallery are making. The opening that has been cleared is a continuation of the main shaft.

#### Fans Whittled from Peach Baskets.

Beside several of the bodies recovered today a half dozen fans, whittled from peach baskets, were found. For what purpose or at what time the men found opportunity to shape the fans is inexplicable to the finders of the bodies. That they had lived and retained their faculties for some time before the black dam killed them was obvious, but physicians declared that every man had been dead for at least 48 hours before their bodies were found.

#### Unconscious Man Brought Up.

Cherry, Ill., Nov. 22.—At 5:13 p. m. another man was taken from the St. Paul coal mine. He was unconscious and was immediately rushed to a hospital train. He was unidentified. It is believed more live men will be found in the same place.

The man was found among a number of bodies in the first shaft to be dead, but a movement of his arm revealed that he still lived. He is dying. A new force of rescuers has been sent down in the hope of recovering more live men.

#### Penetrated 40 Feet Into Lowest Gallery.

Cherry, Nov. 22.—A rescuer penetrated forty feet into the lowest gallery, which he found knee deep with water. No sign of life was seen and no bodies were recovered. This is said to indicate that the men retreated towards the end of the shaft.

## INTERSTATE COMMISSION WINS INDEPENDENT VICTORY

### In the Matter of the Establishment of Freight Rates.

Philadelphia, Nov. 22.—The interstate commerce commission won an independent victory in the matter of the establishment of freight rates today when the United States circuit court for the eastern district of Pennsylvania sustained the demurrer filed by the commission asking for the dismissal of the suit brought by the Baltimore & Ohio and other railroads to enjoin the commission from enforcing its order of June 7, 1908, whereby it established a tariff rate on big vein coal carried from the George's Creek and Elk River regions in